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JUN 17 2004

OFFICE OF PETITIONS

In re Application of :
Fox et al. :
Application No. 09/972,713 :
Filed: October 5, 2001 :
Attorney Docket No. 39471.00002.RCE :

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 29, 2004, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply within three months to the final Office action mailed March 21, 2003. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, this application became abandoned on June 22, 2003. A Notice of Abandonment was mailed on January 26, 2004.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

The Revocation of Power of Attorney or Authorization of Agent submitted with the instant petition on April 29, 2004, is hereby not accepted. **A Statement under 37 CFR 3.73(b) must be submitted for the assignee to take action.** In this regard, the 3.73(b) must include the reel and frame number showing the chain of title from the inventor(s), of the patent application above, to the current assignee. Petitioner may also submit any documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment). The documents submitted to establish ownership may be required to be recorded pursuant to § 3.11 in the assignment records of the Office as a condition to permitting the assignee to take action in a matter pending before the Office. Submission of the Statement under 37 CFR 3.73(b) will allow the Revocation of Power of Attorney to be accepted.

While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$475.00 extension of time fee submitted with the petition on April 29, 2004 was

subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

The file is now being forwarded to Technology Center 1600 for processing of the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

Telephone inquiries should be directed to the undersigned at (703) 306-0482.



Liana Chase
Petitions Examiner
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for Patent Examination Policy

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